

FORM 6

South Dakota Department of Health Notice of Public Hearing to Adopt Rules

A public hearing will be held in Department of Health Robert Hayes Building Conference Room; 600 E. Capitol Avenue, Pierre, SD 57501 on October 18, 2023 at 2:00 PM (Central) to consider the amendment of proposed Administrative Rules of South Dakota numbered

§§ 44:75:01:01, 44:75:01:02, 44:75:01:02.01, 44:75:01:02.02, 44:75:01:03, 44:75:01:04, 44:75:01:05, 44:75:01:07, 44:75:01:07.01, 44:75:01:08, 44:75:01:09, 44:75:01:10, 44:75:02:05, 44:75:02:07, 44:75:02:08, 44:75:02:09, 44:75:02:10, 44:75:02:10.01, 44:75:02:11, 44:75:02:12; 44:75:02:12.01; 44:75:02:18, 44:75:02:19, 44:75:02:20, 44:75:02:22, 44:75:02:24, 44:75:02:25, 44:75:03:01, 44:75:03:02, 44:75:04:04, 44:75:04:05, 44:75:04:06, 44:75:04:09, 44:75:04:09.01, 44:75:04:10, 44:75:04:11, 44:75:04:12, 44:75:04:12.01, 44:75:04:13, 44:75:04:14, 44:75:04:15, 44:75:05:01, 44:75:05:02, 44:75:05:03, 44:75:05:04, 44:75:05:05, 44:75:05:06, 44:75:06:01, 44:75:06:02, 44:75:06:03, 44:75:06:04, 44:75:06:05, 44:75:06:06, 44:75:06:07, 44:75:07:02, 44:75:07:03, 44:75:07:05, 44:75:07:07, 44:75:07:08, 44:75:07:09, 44:75:07:11, 44:75:07:15, 44:75:07:16, 44:75:07:17, 44:75:08:01, 44:75:08:02, 44:75:08:04, 44:75:08:05, 44:75:08:06, 44:75:08:07, 44:75:08:08, 44:75:08:09, 44:75:09:01, 44:75:09:02, 44:75:09:03, 44:75:09:04, 44:75:09:06, 44:75:09:07, 44:75:09:08, 44:75:09:09, 44:75:10:01, 44:75:11:01, 44:75:11:02, 44:75:11:04, 44:75:12:02, 44:75:12:04, 44:75:13:01, 44:75:13:06, 44:75:13:07, 44:75:13:09, 44:75:13:10, 44:75:13:12, 44:75:13:16, 44:75:13:18, 44:75:13:22, 44:75:13:23, 44:75:13:24, 44:75:13:25, 44:75:13:28, 44:75:13:31, 44:75:13:37, 44:75:13:39, 44:75:14:12, 44:75:14:18, 44:75:15:02, 44:75:15:13

The effect of the rules will be to update and clarify the minimum regulations related to operation, physical environment, fire protection, management and administration, physician services, nursing and related care services, dietetic services, medication control, medical record services, hospital diagnostic services, hospital complimentary services, long-term care supportive services, construction standards, additional hospital standards, and swing bed patients' rights necessary for hospitals, specialized hospitals, critical access hospitals, and rural emergency hospitals to maintain the health and safety of patients receiving services in these facilities. The proposed rules also add rural emergency hospitals to 44:75 as authorized by HB 1123 during the 2022 legislative session to outline the minimum regulations necessary to operate a rural emergency hospital. Rural emergency hospitals were designated as a new Medicare provider type by the Centers for Medicare and Medicaid Services (CMS) in January 2023.

The reason for adopting the proposed rules is to define the minimum regulations necessary to maintain the health and safety of patients receiving services in hospitals, specialty hospitals, critical access hospitals, and rural emergency hospitals. Rules were updated to revise language, style revision, correct spelling, update references, clarify and update definitions, incorporate rural emergency hospitals into article, update relevant sections recently updated for assisted living centers to ensure consistency across provider types, clarify infection prevention and control program guidance and added a subsection to clarify antibiotic stewardship program requirements supported by federal regulations, added 44:75:04:12.02 to include regulation around seclusion use, clarify quality assessment and performance improvement program requirements supported by federal regulations, and clarify discharge planning requirements supported by federal regulations.

Persons interested in presenting amendments, data, opinions, and arguments for or against the proposed rules may appear in-person at the hearing, or mail or e-mail them to the

South Dakota Department of Health, Office of Licensure and Certification, 600 East Capitol Avenue, Pierre, SD 57501 or by going to <http://rules.sd.gov>. The deadline to submit any such written comments for consideration by the Department is October 28, 2023.

After the written comment period, the Department of Health will consider all written and oral comments it receives on the proposed rules. The Department of Health may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

For Persons with Disabilities: This hearing will be located at a physically accessible place. Please contact the Department of Health at least 48 hours before the public hearing if you have special needs for which special arrangements can be made by calling 605-773-3361.

Copies of the proposed rules may be obtained without charge from the South Dakota Department of Health, 600 East Capitol Avenue, Pierre, SD 57501 or <http://rules.sd.gov>.

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